

REMARKS

This Amendment is responsive to the Office Action of August 28, 2007. Reconsideration and allowance of claims 1-4, 7, 8, and 10-22 are requested.

The Office Action

Claims 1, 3-5, and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sylliassen (US 2002/0135475) in view of Kahler (US 6,697,941).

Claim 2 stands rejected under 35 U.S.C. § 103 as being unpatentable over Sylliassen in view of Kahler, further in view of Lidow (US 4,228,806).

Claim 6 stands rejected under 35 U.S.C. § 103 as being unpatentable over Sylliassen in view of Kahler, further in view of Abe (US 2004/0155875).

Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Sylliassen in view of Kahler.

No rejection has been applied to claims 9 and 10 which, accordingly, are understood to be allowable.

Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Sylliassen in view of Kahler, further in view of Abe.

The Previously Presented Claims Are in Condition For Allowance

Previously presented claim 1 calls for determining whether the user is asleep. By distinction, Sylliassen determines whether or not a user is present in the room ([0003], lines 4-5; [0022], lines 14-15; [0029], lines 3-5; [0030], line 5; [0031], last line; etc.).

Kahler, which has been cited for showing an electronic device with a hibernation mode has not been alleged to and, indeed, does not determine whether a user is asleep.

Analogously, previously presented claim 8 calls for a control unit which determines whether the user is asleep. Again, neither Sylliassen nor Kahler disclose a control unit which determines whether a user is asleep.

Because the applied references fail to disclose one of the three claimed steps in previously presented claim 1, and one of the three claimed operations of the control unit of previously presented claim 8, it is submitted that previously presented

claims 1-10 distinguish patentably over the references of record and are now in condition for allowance.

Accordingly, it is submitted that the application should be passed to issue with previously presented claims 1-10.

The Presently Amended Claims

The amendments to claims 1 and 8 find antecedent basis in Figure 2 and the last paragraph of page 4 and the first full paragraph of page 5.

For example, claim 1 calls for determining whether the user is probably asleep. In response to determining that the user is probably asleep, the volume or display is faded out. This is advantageous because if the user is falling asleep or transitioning into sleep, the chances of the electronic device waking up the user are reduced (page 2, first full paragraph). Further, claim 1 calls for determining whether the user is asleep. If the user is asleep, then the electronic device is switched to an off or hibernation mode. This has the advantage of saving energy when the user is fully asleep.

The Present Amendment Should Be Entered

The present amendment should be entered first to resolve whether previously presented claims 9 and 10 are rejected, and if so, on which grounds. Further, the present amendment should be entered as placing the application in condition for allowance.

Replacement Drawings

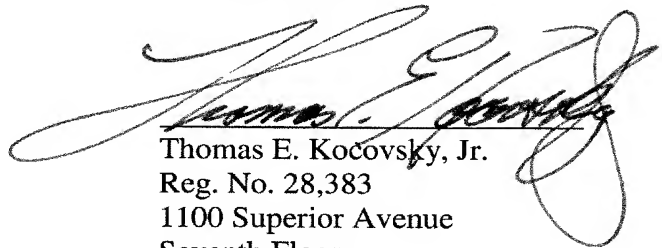
The applicant includes a replacement sheet 2/2 in which Figure 4 has been replaced by an easier to read Figure. An early acceptance of the Figures is requested.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-4, 7, 8, and 10-22 are now in condition for allowance. An early allowance of all claims is requested.

Respectfully submitted,

FAY SHARPE LLP

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line.

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